

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:10-CR-52-IFL(4)

FILED

APR 28 2010

DENNIS P. IAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY [Signature] DEP CLK

UNITED STATES OF AMERICA, :

v. :

TIMOTHY BALLARD :

: I N D I C T M E N T

:

The Grand Jury charges that:

COUNT ONE

On or about March 2, 2009, in the Eastern District of North Carolina, the defendant, TIMOTHY BALLARD, did knowingly and intentionally distribute fifty (50) grams or more of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO

On or about May 21, 2009, in the Eastern District of North Carolina, the defendant, TIMOTHY BALLARD did knowingly and intentionally distribute fifty (50) grams or more of cocaine base (crack), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

ALLEGATIONS OF PRIOR CONVICTIONS

For purposes of Title 21, United States Code, Sections 841(b) and 851, TIMOTHY BALLARD, committed the violations alleged in Counts One and Two of the indictment after two (2) or more separate prior convictions for a felony drug offense, as defined in Title 21, United States Code, Section 802(44), had become final.

FORFEITURE NOTICE

The defendant is given notice of the provisions of Title 21, United States Code, Section 853, that all of the defendant's interest in all property specified herein is subject to forfeiture.

As a result of the foregoing offenses alleged in Counts One and Two of the Indictment, the defendant shall forfeit to the United States any and all property constituting, or derived from, any proceeds the said defendant obtained directly or indirectly as a result of the said offenses, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses alleged in the Indictment.

If any of the forfeitable property, as a result of any act or omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of said defendant up to the value of the above  
forfeitable property.

A TRUE BILL

FOREMAN

4/28/2010

DATE

GEORGE E.B. HOLDING  
United States Attorney

BY:   
SEBASTIAN KIELMANOVICH  
Assistant United States Attorney